

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KEWAZINGA CORP.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:20-cv-1106-LGS

**REDACTED VERSION**

**DECLARATION OF STAFFORD MARQUARDT IN SUPPORT OF GOOGLE LLC'S  
MOTION FOR SUMMARY JUDGMENT OF EQUITABLE ESTOPPEL**

**DECLARATION OF STAFFORD MARQUARDT**

I, Stafford Marquardt, declare as follows:

1. I have been employed at Google since January 2011. I am currently a Product Manager for Street View, a position I have held since June/July 2016.

2. The matters set forth herein are within my personal knowledge and if sworn as a witness I could competently testify regarding them.

3. In the late 2013 to early 2014 time frame, Google began development of a complete redesign of its latest generation Street View camera system. That camera system came to be known as the H1 or “Herschel” camera system.

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

11.

[REDACTED]

[REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

17. Google regularly makes changes to Street View, including changes to pixel capture, metadata capture, processing, storage, serving, and user-facing software across Street View's various platforms.

18. Google weighs various factors when deciding whether, how, and when to invest in its products; whether, how, and when to make changes to its products; and whether, how, and when to develop, launch, or discontinue its products. The factors it weighs in making those decisions include economic, practical, technical, legal, regulatory, and user-experience considerations.

19. Google has the ability to deactivate the transition animation effect in Street View when a user moves from one panorama to an adjacent panorama and implementing that change would be technically feasible. If deactivating the transition animation effect in Street View when a user moves from one panorama to an adjacent panorama made economic and/or practical sense between May 24, 2013 and February 7, 2020, and if asked to do so by legal, Google could have made that change.

20. Google stores and processes Street View imagery outside of the United States and has the ability to store and process all Street View imagery outside of the United States and implementing that change would be technically feasible. If storing and processing all Street View imagery outside the United States made economic and/or practical sense between May 24, 2013 and February 7, 2020, and if asked to do so by legal, Google could have made that change.

21. Google has the ability to program its user-facing Street View product to prefetch nearby Street View imagery when a user selects a particular Street View location and implementing that change would be technically feasible. If prefetching nearby Street View imagery when a user selects a particular Street View location made economic and/or practical

sense between May 24, 2013 and February 7, 2020, and if asked to do so by legal, Google could have made that change.

22. Google has the ability to change the interval at which Street View imagery is captured and implementing that change would be technically feasible. If changing the interval at which Street View imagery is captured made economic and/or practical sense between May 24, 2013 and February 7, 2020, and if asked to do so by legal, Google could have made that change.

23. Google has the ability to change the camera system used to capture Street View imagery and implementing that change would be technically feasible. A previous generation of the Street View imagery capture system used a fisheye lens. If changing the camera system used to capture Street View imagery to use another design, such as a sole upward-facing camera with a fisheye lens to capture a single image, which could be converted into an equirectangular panorama, made economic and/or practical sense between May 24, 2013 and February 7, 2020, and if asked to do so by legal, Google could have made that change.

24. If selling or offering a product or service no longer makes practical and/or economic sense for Google or its users, Google will consider discontinuing that product or service.

25. In 2016, Google retired the Panoramio service. Despite being popular with users, Google decided to retire the Panoramio service in light of the annual upkeep expense and Google's plans to invest efforts in other photo-sharing features of Google Maps.

26. Google does not publish Street View imagery in some regions due to legal considerations.

27. If providing the current user experience for Street View no longer made practical and/or economic sense or if we were asked to do so by legal, between May 24, 2013 and February

7, 2020, Google could have discontinued Street View and invested resources in other products or services.

28. Prior to my involvement in this case, I had never heard of Kewazinga Corporation, K Licensing, or Visage-HD.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this declaration on 7/15/2020 in Boulder, CO.

By:

A handwritten signature in black ink, appearing to be 'S. Marquardt', written over a horizontal line.

Stafford Marquardt